

THE SUPREME COURT AS IT IS

NINE JUDGES WHO ARE HEARING THE ANTI-TRUST CASES.

No Vacancies on the Bench for the First Time in Nearly Two Years—Four Appointments Made by President Taft—The Appearance of the Justices.

WASHINGTON, Jan. 14.—When the Supreme Court resumed its sittings on January 2 after the holiday recess two new members of the court took the oath of office and assumed their places on the bench. For the first time in nearly two years there were no vacancies on the bench. Since early in May, 1909, when Associate Justice Moody found it impossible to continue his work on account of physical infirmity, there had never been a time when the full complement of Justices, which consists of the Chief Justice and eight Associate Justices, had been present to hear cases.

Since President Taft was inaugurated, less than two years ago, he has been called upon to do what none of his predecessors had done since the creation of the court; he has made four appointments, including a Chief Justice. It is reasonably certain that before the end of his four years term President Taft will have appointed a majority of the members of the Supreme Court, including its Chief Justice.

The first vacancy the President was called on to fill was occasioned by the death of Rufus W. Peckham, a Democrat, who was appointed by President Grover Cleveland. Under ordinary conditions President Taft would have appointed Justice Peckham's successor from the State of New York, but the President had promised himself to advance to the Supreme bench his former associate in the Circuit Court of Appeals of the Sixth Judicial circuit, Judge Horace Lurton.

In appointing Justice Lurton President Taft was also able to maintain the traditional minority political representation in the court. Judge Lurton is a Democrat. The vacancy had been caused by the death of a Democrat.

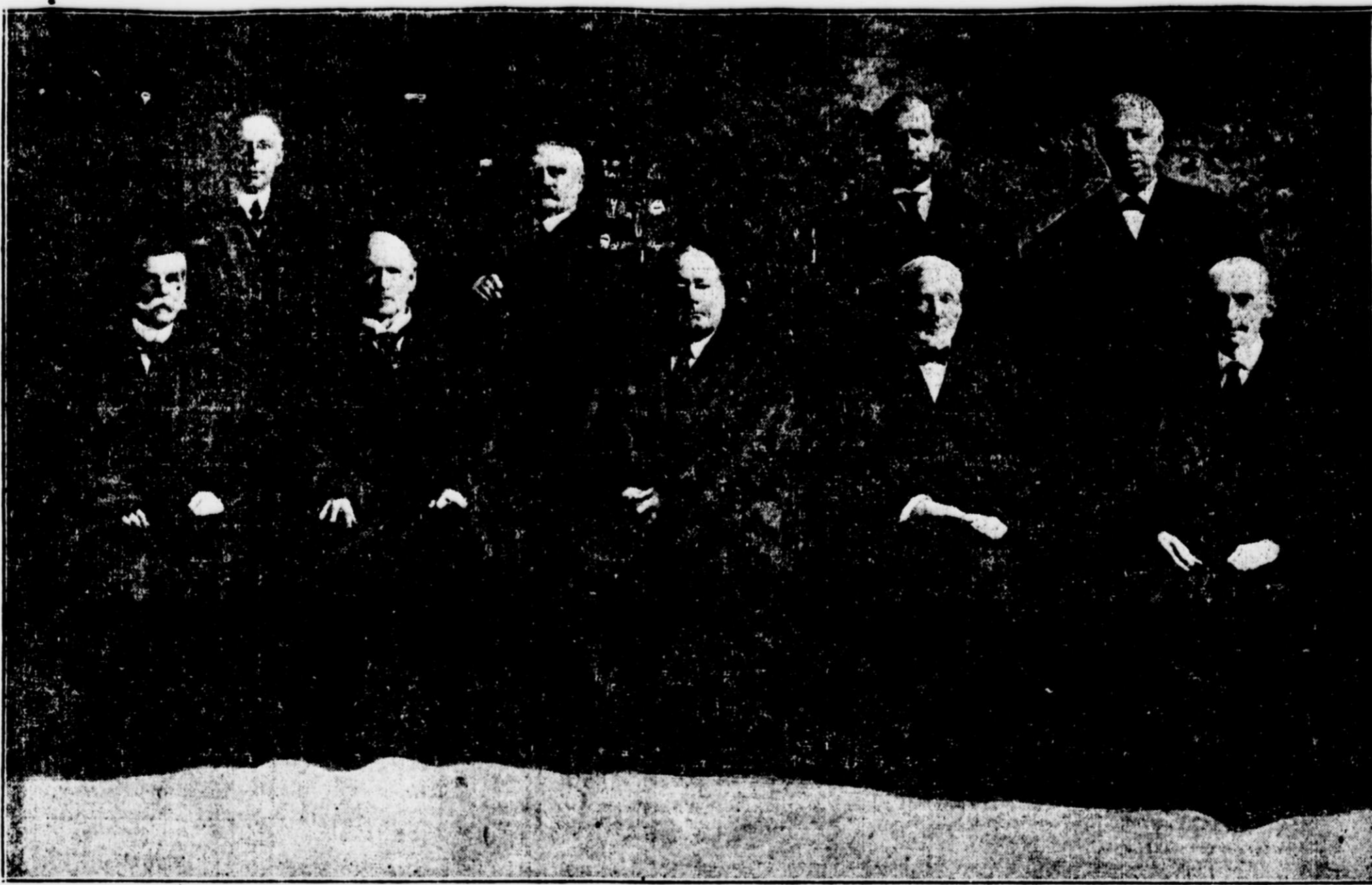
The President informed one of his Senators, when he was making up his mind with respect to his latest selections for the bench that he would, if possible, secure men under the age of 60. He finally appointed Willis Van Devanter, who will not be 52 until April, and Joseph Rucker Lamar, who was 53 in October last.

The sudden death of Associate Justice Brewer created a vacancy which made it possible for the President to restore to the State of New York the representation lost in the court when Justice Peckham's successor was taken from another State. It also afforded an opportunity to do something he had desired to do, namely, place Gov. Charles E. Hughes in the Supreme Court.

Early in July Chief Justice Melville W. Fuller died suddenly at his summer home in Maine. Meanwhile Congress by a special act passed in June had provided for the voluntary retirement of Associate Justice Moody. Thus the President, before he had abandoned the summer capital at Beverly, found himself confronted by the necessity of considering the appointment of a Chief Justice and an Associate Justice.

The rapid succession of deaths had upset the plans of the court for the consideration and disposal of the important anti-trust cases. Then there was the important action brought to test the constitutionality of the corporation tax law. It was decided that because of the importance of these cases and the possibility of a divided court they should be heard by a full bench. Arguments in the American Tobacco Company case were heard this week, and were followed immediately by the rearguments of the Standard Oil case.

Coincident with hearing of the anti-trust cases there is pending in the court a petition for a writ of certiorari to review the judgment of the lower Federal court in imposing sentences of fine and imprisonment on officers of what has come to be known as the naval stores trust.



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THE FIRST PICTURE OF THE SUPREME COURT OF THE UNITED STATES TAKEN SINCE 1899.

Standing, Left to Right—Justice Van Devanter, Justice Lurton, Justice Hughes and Justice Lamar. Sitting, Left to Right—Justice Holmes, Justice Harlan, Chief Justice White, Justice McKenna and Justice Day.

These convictions were secured under the Sherman act, and the petition for a certiorari has been brought by ex-Senator Spooner as attorney for the convicted men, to determine just how far the criminal provisions of the Sherman act apply, and in fact whether it is strictly speaking a penal statute. The present court, whose picture is given here, will in fact determine the vitality of the Sherman anti-trust law.

The reorganized Supreme Court is an imposing looking body of men. Chief Justice White was 63 in November and is therefore within less than five years of the age at which he may voluntarily retire. But he is in perfect health and looks like a man of 50. He is a man of great physical strength and endurance; he takes twenty of exercise out of doors and gives promise of many years of service in the court.

On Justice White's immediate right sits the senior Associate Justice, John Marshall Harlan, who was appointed in 1877 and who was 77 on June 1 last. He celebrated the thirty-third anniversary of his appointment early in December. Only three men have served longer in the Supreme Court. They are Chief Justice Marshall and Justices Story and Field. Chief Justice Marshall served nearly thirty-five years; the other two shorter terms. Associate Justice Harlan in his present splendid physical condition finds far to achieve the distinction of serving longer in the Supreme Court than any of his predecessors.

On Justice White's immediate left sits Associate Justice McKenna, next senior in service, who will soon be 65, and who will be eligible to retire in a little over two years. He was appointed

by President McKinley from the State of California to succeed the late Justice Field. Next senior in service, sitting at the right of Justice Harlan, is Justice Oliver Wendell Holmes, who was appointed by President Roosevelt in 1902 and who will be eligible to retire in 1912. He will be 70 in about two months.

Ranking next in years of service and sitting at the left of Justice McKenna is Justice William Rufus Day, appointed by President Roosevelt in 1903, who will be 62 next April.

The remainder of the court is made up of the four Associate Justices named by President Taft. They are arranged in the order of their seniority, Justice Lurton sitting at the right of the Chief Justice, one seat removed from the end, Justice Hughes sitting at the left of the Chief Justice one seat from the end. At the extreme right is Justice Van Devanter, the youngest member of the court in years, but senior to Justice Lamar by a few minutes, because he took the oath of office before his colleague. Justice Lamar sits at the extreme left of the Chief Justice.

The present court in appearance very much suggests a portrait gallery of the Chief Justices of the United States. John Jay, the first Chief Justice, and Oliver Ellsworth, John Marshall, Roger B. Taney and Salmon P. Chase were without chin whiskers or mustaches. John Marshall's portrait shows him with side whiskers. Chief Justice White wore a full beard, and his successor, Chief Justice Fuller, had a flowing white mustache that drooped heavily over his mouth.

Of the present court only two members wear chin whiskers, Justices McKenna and Hughes. The two new Associate

Justices are smooth shaven. They are not unlike in personal appearance, except that Justice Lamar wears glasses. Justices Day, Holmes and Lurton wear mustaches.

The members of the Supreme Court present a very imposing appearance in their robes, surrounded by the quiet dignity and conservatism that prevail in the Supreme Court chamber. But off the bench, in their dress, their tastes and their comings and goings on the street they are democratic. The Justices are seldom or never seen in frock coats except on occasions that make such style of dress necessary. They seldom or never wear silk hats in their daily comings and goings. Soft felt hats and derbies are the prevailing types.

The lawyers who appear in the Supreme Court show much more affectation in dress than do the men who sit in judgment on the cases which the lawyers argue. The Justices appear at the Capitol shortly before noon, repair to their chambers and put on their black robes. At 12 o'clock they file into the court room and sit until 2, when they take thirty minutes for luncheon, which is brought in on a tray from the Capitol restaurant. From 2:30 until 4:30 they sit through arguments, and court over they doff their robes, and by two generally they pass out of the Capitol corridors and either walk to their homes if the weather permits or take a street car.

Wherever they are thought, in the Capitol, the street car, on the sidewalk or even out on the golf links, they are greeted by everybody with a respect that often surpasses even that shown to the President of the United States.

BEAUFORT CUT COMPLETED.

A Waterway for Small Vessels Past Dredged Cape Hatteras.

From the Atlantic Deep-sea Waterways Association.

The Beaufort cut has been virtually completed. Vessels drawing ten feet of water can now pass through it, but the canal is being deepened to twelve feet. It will enable vessels that can use it to pass down the coast back of dredged Cape Hatteras, but it cannot be fully utilized until the canal leading to the Elizabeth River at Norfolk has been enlarged.

As a chain is no stronger than its weakest link so a waterway has no greater capacity than its smallest section. Thus the Beaufort cut, in the absence of a deeper waterway from Norfolk to the cut, is not available for vessels that cannot pass through the Dismal Swamp or the Chesapeake and Albemarle canals. It is unfortunate that the entire line could not have been opened at the same time, for the Beaufort cut cannot now completely demonstrate its usefulness.

That it will be useful even under present conditions, there can be little doubt. Small vessels heretofore bottled up in Pamlico Sound can proceed further to the south and return by the same route, but larger craft cannot penetrate to Albemarle and Pamlico sounds until the canal from the Elizabeth River is enlarged. Nor can the commerce originating on the waterways of North Carolina get a northern outlet in larger vessels until these same improvements have been made.

Kentucky Hospitality.

From the Mount Vernon Signal.

The old adage goes that it never rains but it does not pour, and this certainly proved true for Mr. and Mrs. W. M. Sower when it came to Christmas visitors. On Christmas Day there were thirty-nine to partake of their hospitality and twenty-four remained over night.

PLATINUM IN JEWELRY.

Costs Much More Than Gold and Does Not Outlive Itself.

For the richer jewelry platinum is the preeminent metal of the hour, says Dr. George F. Kunz in *Handicraft*. The price to-day is twice that of eighteen carat gold, according to its bulk, and what is more, the scrap or waste is many times greater than gold; its expense in the jewel is hence two to two and one-half times that of the precious metal.

It is so delicate that one ounce of platinum wire can be spun so thin that it will reach from New York to New Orleans. In jewelry to-day platinum is not varied so thin, but some of the plaques which measure two inches across represent a single piece of metal saw pierced, with a delicacy of a spider's web, just as they are decorated with the patterns of the web, of the honeycomb, or straight bars that have the delicacy of a hair. It is especially used in the reproductions of studies of Louis Seize jewelry.

While in the time of Louis XVI, rose diamonds were used, now brilliants, of which from one hundred to three hundred weigh but one carat, are employed. Unknown at that time, platinum is virtually white gold, and it possesses the quality of not detracting from the beauty of any known jewel, in other words, the setting appears invisible, whereas gold is apparent and obtrudes itself in the finer settings.

Of especial charm are the phenomenal gems, the red or pink star ruby, the blue, blue gray or gray sapphire, the yellow, brown or green catseye, the changeable alexandrite, the green by day and red by night moonstone, especially if blue in color. All of these have acquired a dignity of their own and lend themselves to studied decorative art.

MEXICO'S ARMY ALL RIGHT.

Diaz's Soldiers Are Good Fighters—They Take Their Families Along.

CHIHUAHUA, Mexico, Jan. 14.—The Federal troops are carrying on a remarkable campaign in the mountain regions of this State against the insurgents. The effectiveness of the army has been matter of speculation, but its behavior in the last month or so has settled the doubts of some of its critics.

The army has heretofore been the subject of more or less ridicule. Until the development of the existing revolutionary situation it was a common saying in this country that the private soldiers would take advantage of the first opportunity in time of actual warfare to desert, that the rank and file had no patriotism, that they lacked physical and moral courage, that they could not stand hardships. All of these charges have been disproved in the operations of the Federals in this State against the insurgents.

To the surprise of the men who criticized the army it is found that the soldiers are loyal to the Government, even to a degree of fanaticism; that they have been schooled in patriotism by their officers; that they are not only brave in time of battle but they show eagerness and enthusiasm to fight; that they are apparently unimpaired by the hardships of long marches and persistent fighting. The army is officered by men who have had good military training.

The soldiers of the Mexican army seem to be able to undergo a prodigious amount of physical exercise and labor on a minimum of food. When on the march they receive only one meal a day, and it is meagre when compared with the liberal rations of the American soldiers. It consists of a large cup of black coffee, a piece of meat and corn from which tortillas may be made. The accommodations of the Mexican soldier are very comfortable, but all the articles embraced in his pack are apparently necessary for his personal use.

One of the most interesting features in connection with the present campaign of the Federals is that most of the soldiers have their wives and children along with them. It is said by the Government military authorities that this practice serves a good purpose as it does away with the necessity of a commissary department. The women do the foraging for their husbands. It frequently happens that they travel in advance of the moving army, picking up food supplies here and there, and are ready with a fairly substantial meal when camp is pitched.

The wage of the private soldier is 15 cents a day. Of this amount twelve cents is retained for meat and two cents for coffee, unless the soldier desires to feed himself, in which case he receives the full 15 cents. Many of the soldiers who have wives prefer to take the full pay in money and depend upon their better halves to provide them with ration.

The women seem not to mind the hardships of the marches. Many of them have children in arms with them. When a fight is imminent they fall behind or to one side, where they remain out of range of bullets.

Another peculiarity of the campaign as it is now being conducted is the lack of hospital facilities. With Gen. Juan N. Navarro's command there is only one surgeon and no modern hospital equipment.

Pushing and Pulling.

From Cassin's Magazine.

It has been wisely observed that most operations can be more efficiently performed by drawing them along through their proper course than by attempting to push them. Many of the soldiers who have tried to push a rope, but very many have attempted things almost as perverse.

In many manufacturing establishments, for example, there may be seen numerous examples of men wasting a large part of their energy endeavoring to move heavy pieces of work upon small trucks, pushing and laboring in the exertion of effort, a small fraction of which goes to cause the actual progression. Even when such an effective aid to transport as an industrial railway is installed it is often used at less than its proper efficiency, because there is too much pushing and not enough pulling.

A Stag Hunt at Sea.

From the London Daily Mail.

The Warrnambool Stagheads, which met at Billingshurst near Horsham yesterday, had a singular ending to their run. A stag led the field southward following the river bank to Shoreham. A staghound, the rough the town the stag swam across the harbor and crossing the beach took to the sea. Men in rowing boats went after the animal and succeeded in rescuing the quarry and bringing it safely to shore.

LONDON'S WINTER ACADEMY

WORK OF JOHN MACALLIN SWAN.

Animal Life in Paintings and Sculptures—The Victorian Art of W. P. Frith—Portraits and Pictures by Orchardson—Farquharson's Landscapes.

LONDON, Dec. 31.—The winter exhibition at the Royal Academy is regarded as the best in many years, the chief attraction being the works of the sculptor-painter, John Macallin Swan, R. A., which have been collected for the first time, and in company with the paintings of four other

deceased Academicians form the exhibit at Burlington House.

Mr. Swan specialized in the portrayal of animal life, and here he was without a rival in this country at all events. His studies are inimitable in their revelation of his extraordinary power of observation. His methods were direct and simple, but so full of verity and verve as to suggest Barye, with the difference that as where Barye delighted in working in the small, nothing short of actual life size would satisfy Mr. Swan.

Of his famous group in bronze, "Orpheus Charming With His Music the Beasts," there are many preliminary studies, some in crayon, others in oil, and a few statuettes in silver and bronze. It would seem that he was enamored of the sub-



SKETCH FOR "THE YOUNG HOUSEWIFE." BY W. Q. ORCHARDSON.

ject. In the completed group, which was purchased by Mrs. Countess Miehle, the erect figure of Orpheus poises upon a rock, his lyre held high above his head, while writhing up to the rock on which he stands climb two great leopards, fine studies of animal life.

Another splendid group in bronze is a puma carrying a mouse in its mouth. Among his sketches and paintings almost every form of animal life is depicted, from the "Cold North," two polar bears stretched full length upon an ice hummock, to the tigers, leopards and lions in which he delighted. It is sincerely to be hoped that the movement on foot to ac-

quire a large collection of his works for preservation in the public galleries and museums may succeed, for the disposal of Mr. Swan's works, where they may be permanently accessible to the public would be an entirely appropriate memorial to a great artist.

To go from the Post-Impressionists to W. P. Frith, R. A. C.V.O., is like going from Gorty to well, say, Jane Austen. Yet in these bright Victorian scenes, crowded with their many people carrying in the same canvas their numerous little incidents, there is a certain charm which enables one to understand his popularity twenty-five years ago. It

is their absolute sincerity, their simplicity that appeals. There is no subtlety here. Carefully studied and painstakingly painted, they are yet, with their flourishes and turbotones, an interesting record of the manners of their day. It was his famous scene of "The Derby Day," purchased by the late Queen Victoria, that first brought Mr. Frith into prominence, and although he was 90 at his death, which occurred last year, he worked doggedly until the end, protesting bitterly meanwhile at the invasion of "modern vandalism" in art.

By the death of Sir William Orchardson England has lost one of her most brilliant artists. His mellow, tender canvases are in a class of their own. Other masters have founded schools and had hosts of followers, but while there are imitations Shannon, imitation Oppens, Nicholson and Brangwyns, there has never been an imitation Orchardson. His art is so much the expression of his personality, so elusive, so difficult of analysis that he stands apart and alone in the expression of his genius.

In portraiture he was particularly successful, and in the dramatic and sentimental scenes in which he delighted, there is none to equal him. And in the day when other names fill the public



PORTRAIT OF W. Q. ORCHARDSON, R. A. BY TOM GRAHAM.



"THE COLD NORTH." FROM THE OIL PAINTING BY JOHN M. SWAN, R. A.

eat and tempests rage at the merest hint of anything "literary" in art Orchardson sat serene. For what there was of the story in his work was so welded

with the qualities of color, atmosphere and masterly execution that the picture formed one harmonious whole. Among his subject pictures perhaps the

best known are "The First Cloud" and "The Last Dance," but the large canvas of "A Toast to the Young Duke," No. 88, with the numerous figures of fine young gallants standing about the table covered with crystal dishes of fruit and flowers, all painted as only Orchardson could paint, is perhaps the most admired of them all.

Of his portraits, the one of Edwin A. Abbey, R. A., the American artist, is well displayed and is one of his best as well as one of his last efforts. Those of Sir Walter Gilbey, Lord Kelvin, Sir James Dewar and Charles Moxon are perhaps the most notable.

Although not formally a part of the exhibition, a bronze study of Sir William Orchardson which is exhibited here is one of the happiest delineations of character yet exhibited by the late sculptor Onslow Ford. There are some fine canvases by David Farquharson, A. R. A., No. 115, "Full Moon" and "Spring Tide," depicts the rush of the tide past a headland, with the full moon reflected on a sombre, sullen sea, and painted with the breadth and freedom that characterized Winslow Homer. Mr. Farquharson's work is not widely known. He spent years upon a single canvas and sold it long before completion. The seven that represent him at the Academy are good examples of his work.



"THE BORGIA." BY W. Q. ORCHARDSON, R. A.